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March 15, 2018

Via ECF/CM

Judge Carol Bagley Amon  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: *United States v. Jian Guo Cheng*, 16-cr-272 (E.D.N.Y.) (CBA) (RLM)

Dear Judge Amon:

I am counsel to defendant Jian Guo Cheng, having filed a notice of appearance with the Eastern District of New York on October 24, 2017 in connection with the case in the Eastern District of New York, and on December 7, 2017 with the Second Circuit, in connection with his appeal. While this case had originally been under seal, on October 11, 2017, this Court ordered that the docket be unsealed and, subsequently, all documents in connection with this case that were docketed, including all hearings except for the sentencing proceeding, were unsealed and made publicly available.

On late Friday March 9, 2018, I discovered that my file did not contain the sentencing minutes, and I immediately contacted court reporter Richard Barry to arrange for next day delivery of the transcript of the sentencing hearing conducted on October 11, 2017.

After he received payment for the transcript, Mr. Barry advised me on Tuesday March 13, 2018 that he believed the sentencing proceeding to still be a sealed matter and that he could not produce those minutes to me, though I am counsel of record, without a court order unsealing them. While I provided him with the Court's October 11, 2017 unsealing order, Mr. Barry told me that he had emailed with assistant United States Attorney Nadia Moore and that she advised him that the sentencing hearing was still sealed. I have consulted with original defense counsel Joyce C. London who believes that the sentencing was part of the October 11, 2017 unsealing order, and I have twice tried to contact Ms. Moore to get her position on this, but Ms. Moore has not responded to my messages.

All of the information that formed the basis of the original sealing order is now a matter of public record, discussed in detail in various publicly available items docketed in this case, such as the parties' sentencing memoranda, the bail hearing and the plea proceedings. Without release of the sentencing transcript to me, it is not possible to proceed with Mr. Cheng's appeal,

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nor is there any compelling reason (investigative, witness safety or otherwise) to restrict access to the minutes of the sentencing.

As noted above, I have contacted assistant United States Attorney Nadia Moore to ask for her position regarding this request but have not received a response. Defense counsel Joyce C. London joins in this unsealing request.

For all of the reasons set forth above, I respectfully ask that this Court so-order this letter-request to unseal the transcript of the sentencing proceedings in this case.

Respectfully,

/s/  
Megan Wolfe Benett

cc: All counsel of record via ECF/CM  
Courtesy Copy to Chambers by Email